In the High Court of Punjab and Haryana at Chandigarh.

Regular Second Appeal No.2440 of 2004.

Date of decision:23.4.2007.

Dr.Puran Singh.

...Appellant.

Versus

Kurukshetra University, Kurukshetra and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Ravi Verma Advocate for the appellant.

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Judgment.

S. N. Aggarwal, J.

The appellant was working as a Lecturer with the respondents with effect from 1.4.1989. One post of Reader in the Department of Education (Department of Social Assistance/DSA) was advertised by the respondents. The appellant had applied for it. He was called for interview and the interview was held on 7.8.1997. Apprehending the selection of undeserved candidates, the appellant filed Civil Writ Petition No.13381 of 1997 which was dismissed as withdrawn vide order dated 9.7.1999 as the respondents had made the statement that eligibility was to be determined by Selection Committee.

The Selection Committee recommended relaxation of eligibility

criteria for appointment of the appellant against the post of Reader but it was rejected by the Executive Council and by order dated 5.1.2000, they directed the re-advertisement of the said post. Hence, the appellant filed a civil suit challenging the resolution of the Executive Council dated 5.1.2000 and prayed that he be appointed as Reader on the basis of recommendation made by the Selection Committee on 7.8.1997.

The suit was contested by the respondents.

The parties led the evidence but the learned trial Court dismissed the suit vide judgment and decree dated 22.10.2003.

The appellant filed an appeal. The learned Appellate Court upheld the finding of fact recorded by the learned trial Court and dismissed the appeal vide impugned judgment and decree dated 15.1.2004.

Hence, the present appeal.

The submission of learned counsel for the appellant was that the name of the appellant was recommended by the Selection Committee. It was bound to be accepted by the Executive Council and the post could not have been re-advertised.

Considered.

The appellant did not fulfil the qualifications and the recommendation was made by the Selection Committee for relaxation in the qualifications. This recommendation was, however, not accepted by the Executive Council and the Executive Council vide resolution dated 5.1.2000 directed the post to be re-advertised.

Admittedly, the petitioner did not fulfil the eligibility criteria or the minimum qualification/experience. The Selection Committee had no

power to relax the eligibility criteria. The Executive Council who was competent to relax did not accept the recommendation for relaxation of eligibility criteria. It was totally the domain of Executive Council.

The settled law is that the Academic Bodies are to determine the eligibility criteria. It is not for the Judicial Courts to impose on the Academic Bodies its own decision about the qualifications/eligibility criteria or the relaxation thereof.

No merit.

Dismissed.

April 23,2007. (S. N. Aggarwal)
Jaggi Judge